

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

JENNER BENAVIDES, et al.,

Petitioners,

v.

PATRICK GARLAND, et al.,

Respondents.

CIVIL ACTION NO.: 4:20-cv-69

ORDER

Petitioners are currently detained by the United States Department of Homeland Security, Immigration and Customs Enforcement at the Folkston Processing Center in Charlton County, Georgia. They filed a Petition in the Savannah Division of the Southern District of Georgia challenging continued detention and seeking habeas corpus relief pursuant to 28 U.S.C. § 2241. (Doc. 1.) For the reasons set forth below, the Court **ORDERS** that this case be transferred to the United States District Court for the Southern District of Georgia, Waycross Division.

As of the filing of Petitioners' action on April 8, 2020, it appears Petitioners are currently in custody at the Folkston Processing Center in Charlton County, Georgia, which is within the Waycross Division of this District. (Doc. 1, p. 6-8.) Thus, the Petition was not filed in the proper division of this Court.

Where a Section 2241 petitioner challenges his present confinement, "jurisdiction lies" only in "the district of confinement," and the proper respondent is the warden of the facility where the petitioner is being held, not the United States or a supervisory official who exercises "legal control" over the petitioner. See Rumsfeld v. Padilla, 542 U.S. 426, 435, 439-40, 443 (2000).

Here, Petitioners are currently confined in this District; however, they are confined at the Folkston Processing Center in Charlton County, Georgia, which lies within the Waycross Division of this Court. 28 U.S.C. § 90(c)(4). Consequently, this petition should proceed in the Waycross Division.

Therefore, IT IS HEREBY ORDERED that this action shall be **TRANSFERRED** to the Waycross Division for further consideration. See 28 U.S.C. § 1406(a) (“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought .”). The Clerk of Court is hereby **DIRECTED** to transfer this case to the Waycross Division.

SO ORDERED, this 9th day of April, 2020.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA